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6 *Attorneys for Plaintiff Strike 3 Holdings, LLC*

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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11 STRIKE 3 HOLDINGS, LLC,  
12 Plaintiff,

13 vs.

14 JOHN DOE subscriber assigned IP address  
70.189.203.216,

15 Defendant.  
16

Case Number: 2:18-cv-01541-KJD-NJK

**DECLARATION OF JOHN S. PASQUALE  
IN SUPPORT OF PLAINTIFF'S EX  
PARTE MOTION FOR LEAVE TO  
SERVE A THIRD PARTY SUBPOENA  
PRIOR TO A RULE 26(f) CONFERENCE**

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**DECLARATION OF JOHN S. PASQUALE IN SUPPORT OF PLAINTIFF'S MOTION  
FOR LEAVE TO SERVE A THIRD PARTY SUBPOENA PRIOR TO A RULE 26(f)  
CONFERENCE**

I, John S. Pasquale, do hereby state and declare as follows:

1. My name is John S. Pasquale. I am over the age of 18 and I am otherwise competent to make this declaration.

2. This declaration is based on my personal knowledge and, if called upon to do so, I will testify that the facts stated herein are true and accurate.

3. I am a Senior Project Manager with 7 River Systems, LLC a Maryland based cyber security firm specializing in network security, data breaches, and the protection of secured information transmitted across networks.

4. For over 30 years, I have worked in the IT industry, specializing in system and network administration and project management.

5. I have consulted and advised major financial institutions and Fortune 500 companies on the management, security and implementation of major data centers, delivering complex and large scale network projects.

6. I was retained by Strike 3 Holdings, LLC ("Strike 3") to individually analyze and retain forensic evidence captured by IPP International U.G. ("IPP").

7. I received a PCAP from IPP containing information relating to the transaction occurring on 07/11/2018 00:42:49 UTC involving IP address 70.189.203.216.

8. I used a program called Wireshark to view the contents of the PCAP.

9. I was able to confirm that IPP recorded the transaction with 70.189.203.216 at 07/11/2018 00:42:49 UTC.

10. Based on my experience in similar cases, Defendant's ISP Cox Communications is the only entity that can correlate the IP address to its subscriber and identify Defendant as the person assigned the IP address 70.189.203.216 during the time of the alleged infringement.

1 Indeed, a subpoena to an ISP is consistently used by civil plaintiffs and law enforcement to  
2 identify a subscriber of an IP address.

3 **DECLARATION**

4 **PURSUANT TO 28 U.S.C. § 1746**, I hereby declare under penalty of perjury under the  
5 laws of the United States of America that the foregoing is true and correct.

6 Executed on this 6<sup>th</sup> day of September, 2018.

7 **JOHN S. PASQUALE**

8  
9  
10 By:

A handwritten signature in black ink, appearing to be 'J. Pasquale', written over a light gray circular stamp.